

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for the  
Edwards Air Force Base Main Base Landfill  
SWIS No. 15-AA-0150  
June 16, 2016

**Background Information, Analysis, and Findings:**

This report was developed in response to the Kern County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Edwards Air Force Base-Main Base Sanitary Landfill, located on Edwards Air Force Base and owned and operated by U.S Department of Defense, 412<sup>th</sup> Test Wing, Civil Engineer Group. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 3, 2016. A new proposed permit was received on May 5, 2016. Action must be taken on this permit no later than July 4, 2016. If no action is taken by July 4, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

|                                | Current Permit (2009)                                    | Proposed Permit                                   |
|--------------------------------|--|---|
| Estimated Closure Date         | 2023   | 2076  |
| Remaining Capacity Cubic Yards | 1,642,111  | 1,566,103   |
| Facility Operator              | 95 <sup>th</sup> Air Base Wing                           | 412 <sup>th</sup> Test Wing, Civil Engineering    |
| Facility Owner                 | Air Force Materials Command Air Force Flight Test Center | 412 <sup>th</sup> Test Wing, 195 E. Popson Avenue |

Other Changes include:

- Incorporate an updated Joint Technical Document as the Report of Facility Information and other updated operating document dates.

**Key Issues**

The proposed permit will allow for the following:

1. Increase the estimated closure date by 53 years.

**Background**

Edwards Air Force Base – Main Base Landfill is an existing facility consisting of a bale-fill landfill and green material compost facility that serves the disposal needs of the base.

**Findings:**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

| 27 CCR Sections  | Findings  |   |
|--|---|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information          | The LEA provided the required certification in their permit submittal letter dated May 3, 2016  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(2) LEA Five Year Permit Review  | A Permit Review Report was prepared by the LEA on November 1, 2014. The LEA provided a copy to the Department on November 6, 2014. The changes identified in the review are reflected in this permit revision.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit  | Staff received a proposed Solid Waste Facilities Permit on May 5, 2016.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001                           | The LEA in their permit submittal package received on May 3, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element), as described in the memorandum dated May 5, 2016 | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards | Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated August 17, 2015.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate            | Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |

| 27 CCR Sections  | Findings   |   |
|--|--|---|
|  | approved as described in their memorandum dated August 17, 2015.   |   |
| 21685(b)(7)(A)<br>Financial Assurances                               | Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated May 9, 2016.                    | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(7)(B)<br>Operating Liability Insurance                      | Edwards Air Force Base Main Base Landfill is a Federal facility not subject to providing Operating Liability Assurance.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(8) Operations<br>Consistent with State<br>Minimum Standards | Permitting and Assistance Branch staff found that the facility was in compliance with all operating and design requirements during an inspection conducted by the LEA on May 26, 2016. See Compliance History below for details.           | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(9) LEA CEQA<br>Finding                                      | The LEA provided a finding in their permit submittal package received on May 3, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.      | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21650(g)(5) Public<br>Notice and/or Meeting,<br>Comments             | The LEA provide and posted notice of the SWFP modification as required by Regulation on December 19, 2015  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| CEQA Determination to<br>Support Responsible<br>Agency's Findings    | The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP. | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |

### **Compliance History:**

Permitting and Assistance Branch staff accompanied the LEA on their monthly inspection on May 26, 2016, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

The facility has not been cited by the LEA for a violation within the last five years.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes that will be authorized by the issuance of the proposed permit include:

- Increase the closure year from 2023 to 2076;
- Remaining capacity information has been updated to indicate a reduction of available capacity since last permit action from 1,642,111 to 1,566,103 cubic yards;
- Update the SWFP Facility Owner from the “Air Force Flight Test Center, 95<sup>th</sup> Air Base Wing” to “412<sup>th</sup> Test Wing”;
- Update the SWFP Facility Operator from “95<sup>th</sup> Air Base Wing, Civil Engineer/Transportation Directorate” to “412<sup>th</sup> Test Wing, Civil Engineer Group” and;
- Incorporate an updated Joint Technical Document as the Report of Facility Information.

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Kern County Environmental Health Department has prepared a Notice of Exemption dated June 6, 2016, in order to allow for an extension of the estimated closure year from 2023 to 2076.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency’s initial approval of the project. The Notice of Exemption will be filed with the Kern County Clerk when the LEA issues the permit to the operator.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department’s concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities was adequate for the Department’s concurrence of this modified SWFP. Staff’s finding is based on the premise that there is “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department’s concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability and permit acceptance was noticed consistent with the SWFP requirements. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 17, 2016.